

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

NEW HAVEN UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014100357

AMENDED ORDER GRANTING
REQUEST FOR RECONSIDERATION
AND SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING¹

On January 7, 2015, the parties filed a request to continue the then current hearing dates in this matter. On January 7, 2015, the Office of Administrative Hearings granted the parties' request but set the matter on dates other than those requested by the parties. On January 22, 2015, the New Haven Unified School District filed a request to change the hearing dates due to unavailability of witnesses. On January 28, 2015, Student filed a statement of non-opposition. Accordingly, this is considered as a joint request for reconsideration by the parties.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

Here, New Haven has provided additional facts supporting the unavailability of its witnesses for the currently calendared due process hearing dates. New Haven could not have

¹ The order of January 29, 2015, is amended to reflect that the due process hearing in this matter will be held on April 1 through 2, 2015, and continuing day to day thereafter. The original order included March 31, 2015, as a day of hearing. However, March 31, 2015, is a state holiday and OAH is closed on that day.

anticipated that OAH would have set the dates it did when the parties filed their January 7, 2015 request for continuance.

Having considered the new facts, the parties request for reconsideration is granted. All prehearing and due process hearing dates are vacated. This matter is set as follows:

Prehearing Conference:	March 20, 2015, at 1:00 PM
Due Process Hearing:	April 1– April 2, 2015, starting at 1:30 PM on the first day, and continuing at 9 AM day to day, Monday through Thursday.

IT IS SO ORDERED.

DATE: February 17, 2015

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings